

Before the
SURFACE TRANSPORTATION BOARD

300486

Finance Docket No. 32760 (Sub-No. 46)
BNSF RAILWAY COMPANY
—TERMINAL TRACKAGE RIGHTS—
KANSAS CITY SOUTHERN RAILWAY COMPANY AND
UNION PACIFIC RAILROAD COMPANY

ENTERED
Office of Proceedings
March 16, 2020
Part of
Public Record

APPLICATION FOR TERMINAL TRACKAGE RIGHTS

Joint Proposed Procedural Schedule

Pursuant to the Board's order in *Decision No. 8* in this proceeding,¹ served on February 21, 2020, BNSF, KCS, and UP hereby jointly propose a procedural schedule to govern discovery and briefing on the remaining issues regarding compensation in this proceeding, including the considerations and calculations required under the *SSW Compensation* methodology.

The parties also jointly request that the Board appoint an administrative law judge ("ALJ") to resolve any discovery disputes, consistent with the Board's treatment of discovery matters earlier in this proceeding. *See BNSF Ry. Co.—Terminal Trackage Rights—Kansas City S. Ry. Co. & Union Pac. R.R. Co.*, FD 32760 (Sub-No. 46) (STB served Apr. 8, 2015) (appointing ALJ Steven A. Glazer of the Federal Energy Regulatory Commission for handling of all discovery matters).

¹ Unless otherwise defined, the acronyms and defined terms used herein are the same as those used in *Decision No. 8*.

Proposed Procedural Schedule

Event	D+
STB order establishing procedural schedule served	0
Simultaneous service of initial written discovery requests (motions to compel to be resolved by STB appointed ALJ)	30
Discovery conference among ALJ and all parties	45
Last day for service of follow-up written discovery	120
End of written discovery period, final resolution of all discovery disputes	180
Simultaneous filing of opening statements and evidence (including expert reports)	300
Last day for submission of written discovery on opening statements and evidence	320
Last day for depositions of experts	345
Simultaneous filing of reply statements and evidence	375
Simultaneous filing of rebuttal briefs (30 page limit inclusive of exhibits)	405

Respectfully submitted,

/s/ Adrian L. Steel, Jr.

Adrian L. Steel, Jr.

Adam C. Sloane

Mayer Brown LLP

1999 K Street, NW

Washington, DC 20006

(202) 263-3237

Peter W. Denton

Sarah B. Nural

Steptoe & Johnson LLP

1330 Connecticut Avenue, NW

Washington, DC 20036

(202) 429-6445

Roy T. Englert, Jr.

Robbins, Russell, Englert, Orseck,

Untereiner & Sauber LLP

2000 K Street, NW, Fourth Floor

Washington, DC 20006

(202) 775-4500

Roger P. Nober

Jill K. Mulligan

Richard E. Weicher

Courtney Biery Estes

Tyler R. White

BNSF Railway Company

2500 Lou Menk Drive

Fort Worth, TX 76131

(817) 352-2383

Attorneys for BNSF Railway Company

Adam J. Godderz
W. James Wochner
David C. Reeves
The Kansas City Southern Railway
Company
P.O. Box 219335
Kansas City, MO 64121-9335
(816) 983-1324

/s/ William A. Mullins
William A. Mullins
Crystal M. Zorbaugh
Baker & Miller PLLC
Suite 300
2401 Pennsylvania Ave, N.W.
Washington, D.C. 20037
(202) 663-7823

Attorneys for The Kansas City Southern Railway Company

Rhonda S. Ferguson
Craig V. Richardson
Elisa B. Davies
Jeremy M. Berman
Union Pacific Railroad Company
1400 Douglas Street
Omaha, Nebraska 68179
(402) 544-7004

/s/ Michael L. Rosenthal

Michael L. Rosenthal
Covington & Burling LLP
One CityCenter
850 Tenth Street, NW
Washington, D.C. 20001
(202) 662-6000

Attorneys for Union Pacific Railroad Company

Dated: March 16, 2020

CERTIFICATE OF SERVICE

I certify that I have, on March 16, 2020, served copies of this Joint Proposed Procedural Schedule upon all parties of record in this proceeding, by electronic mail.

/s/ Peter W. Denton
Peter W. Denton
Attorney for BNSF Railway Company